

### **REMARKS**

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Thus, Claim 5 has been amended to require the use of ammonia as the hydrogen-containing compound, which is taken from Claim 6. The term "gaseous" has also been inserted before "nitrogen oxide" in Claim 5, reference in this regard being made to the term "etching gas" in Claim 5.

Thus, amended Claim 5 requires that the etching gas contain a gaseous nitrogen oxide and ammonia. This specific etching gas is mentioned at page 11, line 3 from the bottom of the Specification, and is further illustrated by Example 1 beginning on page 13.

Claim 6 has been amended to recite that the etching gas further contains hydrogen sulfide. Prior to the amendment, Claim 6 recited that the compound containing hydrogen is one or more members selected from the group consisting of ammonia, hydrocarbon, and hydrogen sulfide. Amended Claim 6 thus requires that the etching gas contains gaseous nitrogen oxide, ammonia and hydrogen sulfide, in consideration of the reference to "one or more" members in previously presented Claim 6.

The patentability of the present invention over the disclosures of the references relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

The rejection of Claim 5 under 35 U.S.C. 102(b) as being anticipated by Douglas has been rendered moot, in view of the amendment to this claim, requiring ammonia in the etching gas. This rejection being moot is apparent from the fact that Claim 6, which recites ammonia, is not included in this rejection.

The rejection of Claim 6 under 35 U.S.C. 103(a) as being unpatentable over Douglas in view of Naem et al is respectfully traversed.

The Examiner takes the position that Douglas discloses a dry etching method using an etching gas containing hydrogen such as HCl and nitric oxide; and that Naem et al discloses metal etching using HCl or CH<sub>4</sub>/hydrocarbon. The Examiner thus argues that it would have been obvious to modify the Douglas method by substituting Douglas HCl with hydrocarbon in view of Naem et al.

However, as indicated above, Douglas fails to disclose that the etching gas must contain a gaseous nitrogen oxide and ammonia. Furthermore, although previously presented Claim 6 includes the possibility of using hydrocarbon in the etching gas, currently amended Claim 6 requires that the etching gas must contain hydrogen sulfide (although not excluding a combination of a hydrocarbon and hydrogen sulfide). It is therefore apparent that even if Douglas and Naem et al were combined in the manner suggested by the Examiner, the result of such combination would still not suggest the use of an etching gas containing a gaseous nitrogen oxide, ammonia and hydrogen sulfide.

The rejection of Claim 7 under 35 U.S.C. 103(a) as being unpatentable over Douglas in view of Fraser et al, as well as the rejection of Claim 8 under 35 U.S.C. 103(a) as being unpatentable over Douglas in view of Naem et al and further in view of Fraser et al, are respectfully traversed.

The Examiner applies the Fraser et al reference for its disclosure of the use of a titanium mask layer. However, since Claim 5 is patentable over Douglas for the reasons set forth above, and Claim 6 is patentable over a combination of Douglas and Naem et al for the reasons set forth above, it is apparent that even if Fraser were combined with these references in the manner suggested by the Examiner, the combination would still not suggest the subject matter of Claims 7 or 8, which are dependent on Claims 5 and 6, respectively.

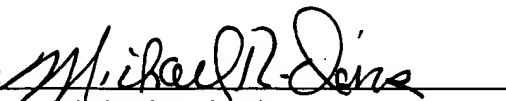
Therefore, in view of the forgoing amendments and remarks, it is submitted that each of the grounds of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

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